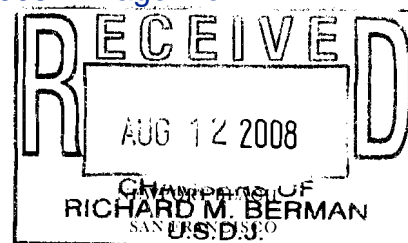


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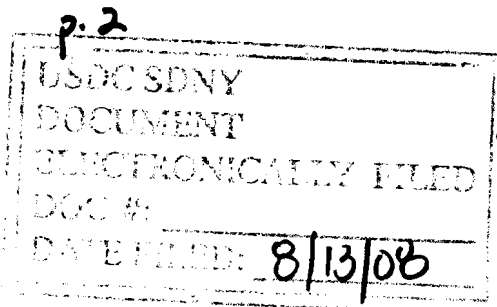
August 11, 2008

MEMO ENDORSED

OUR FILE NUMBER

BY HAND

Hon. Richard M. Berman
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 650
New York, New York 10007



WRITER'S DIRECT DIAL
(212) 326-2051

WRITER'S E-MAIL ADDRESS
dcendali@omm.com

Re: Phat Fashions LLC v. Victoria's Secret Stores Brand Management, Inc., 08 Civ. 02745 (RMB)

Dear Judge Berman:

We represent defendant Victoria's Secret Stores Brand Management, Inc. ("VSSBM"). We write in conjunction with counsel for Phat Fashions, LLC ("Phat Fashions") to request certain modifications to the existing Case Management Plan, dated April 15, 2008 ("CMP"), as described below. This is the first time either party has sought amendment of the schedule.

The Court has a set Settlement Conference for September 16, 2008 at 9:45 a.m. at which principals are to be present. Due to a scheduling conflict in which counsel for VSSBM must appear on that date at a Third Circuit mandatory Settlement Conference in Philadelphia that cannot be changed, we respectfully request that the Settlement Conference be rescheduled for one day earlier, to September 15, 2008, assuming of course that your Honor has availability to meet with us on that date. Settlement discussions have been taking place.

The parties have met and conferred and determined that they require additional time to complete their respective document productions, take depositions, and conduct expert discovery in the event that the case cannot be settled. As a result, we respectfully request that the Court adjust the discovery schedule along the following lines:

- a. All fact discovery to be completed by October 15, 2008 (original date was 8/29/08)
- b. Exchange of expert reports on November 3, 2008 (not set in CMP)
- c. Exchange of rebuttal expert reports on December 3, 2008 (not set in CMP)

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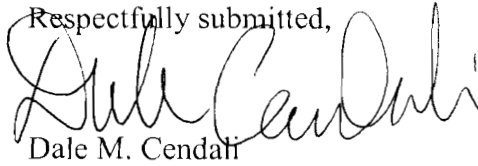
Hon. Richard M. Berman, August 11, 2008 - Page 2

d. All expert discovery to be completed by December 19, 2008 (original date was 9/15/08)

We have enclosed a proposed Amendment to Case Management Plan which the parties jointly respectfully request be entered by the Court.

We appreciate you Honor's consideration of this matter.

Respectfully submitted,



Dale M. Cendali

Encl.

cc: Philip R. Hoffman, Esq.

Extension granted (final). The
parties are directed to take all
discovery issues up with Magistrate
Judge Gorenstein. Conference
adjourned to 9/23/08 at 9:30 a.m.

SO ORDERED:

Date: 8/13/08



Richard M. Berman, U.S.D.J.